

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

QOTD FILM INVESTMENT LTD.,

Plaintiff,

v.

BRIAN WILSON, an individual

Defendant.

Civil Action No. 16-cv-0371RSL

PLAINTIFF'S MOTION FOR
CONTINUED STAY OF CASE PENDING
REINSTATEMENT

NOTE ON MOTION CALENDAR:
May 11, 2018

Plaintiff respectfully moves the Court for an order further staying the case for an additional thirty days, or until Plaintiff is able to obtain proof of reinstatement and active registration of QOTD Film Investment, Ltd. through continued diligence in the process.

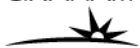
By Order dated March 23, 2018, the Court stayed the case for thirty days to allow Plaintiff an opportunity to obtain confirmation that the legal entity, QOTD Film Investment, Ltd., which had inadvertently administratively dissolved, was reinstated. (Dkt. 121) As confirmed by section 1032(1) of the U.K. Companies Act 2006 and clarified in *Joddrell v. Peakstone Ltd.* [2013] 1 All ER 13, if a company is restored to the register, it is "deemed to have continued in existence as if it had not been dissolved or struck off the register." Therefore, any claims by or against the company which arose prior to its dissolution, as well as any related proceedings, are also deemed to have continued without abeyance throughout the period of its dissolution. (Id.)

PLAINTIFF'S MOTION FOR CONTINUED STAY
OF CASE PENDING REINSTATEMENT - 1

Civil Action No. 16-cv-0371RSL

INIP-6-0031P70 MOTStay

LOWE GRAHAM JONES PLLC


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

Plaintiff anticipated that the reinstatement would have occurred within the thirty days provided by the Court. However, the timing of the reinstatement process under U.K. law is beyond its control, and is reliant, in part, both on the U.K. administrative body and U.K. accountants. As confirmed in the declaration of Ragen Amin, Senior Consultant at RMR Partnership LLP, Plaintiff's U.K. accountants, diligent steps have been taken since this issue was identified in February to achieve the reinstatement as promptly as possible. Included in this period was an approximate three week delay caused in awaiting necessary waiver paperwork from the Treasury Solicitor Office. (Amin Dec. ¶¶ 1-7). Gregory McLachlan, a principal of Plaintiff, has further confirmed that the necessary account documents were promptly signed and returned to the U.K. accountants after received on April 14, 2018. (2nd McLachlan Dec. ¶¶ 2-3) According to Mr. Amin, a person knowledgeable as to the timing of the U.K. administrative process, reinstatement should occur in "approximately 2 weeks," and he has "no reason to believe that the reinstatement will not happen."¹ (Amin Dec. ¶ 8)

Accordingly, Plaintiff respectfully submits that good cause is shown to further extend the stay in this case by no less than thirty days to allow Plaintiff an opportunity to confirm the reinstatement pursuant to the process described above, or to submit further evidence, as may be obtainable, to show its continued diligence in this process.

RESPECTFULLY SUBMITTED April 23, 2018.

s/David A. Lowe, WSBA No. 24,453

Lowe@LoweGrahamJones.com

LOWE GRAHAM JONES^{PLLC}

701 Fifth Avenue, Suite 4800

Seattle, WA 98104

T: 206.381.3300

Attorneys for Plaintiff

¹ While Plaintiff anticipates this predicted timeline will be correct, as noted above, it lacks any control on how quickly the U.K. administrative body will act in this regard.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served to all counsel or parties of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

s/ David A. Lowe

